

Remarks

The Office Action mailed May 23, 2006 has been carefully considered. After such consideration, independent Claims 1; 15; and 29 have been amended to be in proper 112(6) form to distinguish over the prior art of record and correct minor technicalities. In addition, dependent claims 2, 17 and 30 also have been amended to correct minor technicalities. As such, Claims 1-9 and 11-14; 15-19; 20-27 and 29-36 remain in the case with none of the claims being allowed.

In addition, in a previous telephone call with the Examiner and Applicant's representative, Nancy Britt, it was also realized that this action was final after the Applicant had just filed an RCE and that this final was pre-mature and would be withdrawn by the Examiner.

The Examiner had rejected Claim 1-10, 15, and 16 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,449,011 to Edwards *et al.* Claims 1, 15 and 19 have been amended to include means for securing the peripheral device to the adaptor in proper 112(6) form. Edwards *et al.* discloses a waist basket assembly housed in a headrest. Edwards *et al.* does not disclose the means for securing as in the present invention. As such, Edwards *et al.* does not anticipate the present invention.

The Examiner had also rejected Claims 1-3, 12, 15, 18-21, 30, 35, and 36 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,712,633 issued to Lu. As discussed above, Claims 1, 15, and 20 have been amended. Lu discloses a backrest assembly wherein a television monitor is vertically mounted within a headrest. No additional means for such as adhesives hook and loop fasteners, or straps are included. In contrast, in the present invention, the support surface is a horizontal plate. A peripheral device is placed onto the horizontal plate and held in place by a securing means.

The Examiner had also rejected Claims 12, 13, 15-17, 20-28, 30, 31, 33, and 34 under 35 U.S.C. 103(a) as being unpatentable over Edwards *et al.* in view of U.S. Patent No. 6,022,078 to Chang. The Examiner also rejected Claims 11 and 29 under U.S.C. 103(a) as being unpatentable over Edwards *et al.* in view of Chang and further in view of U.S. Patent No. 4,858,994 to Yamashita. Finally, the Examiner rejected Claims 11 and 29 as being unpatentable over Lu in view of U.S. Publication No. 2003/023455 A1 to Brooks *et al.*

As the Examiner is aware, it is the burden of the Examiner to establish a prima facie case of obviousness when rejecting claims under 35 U.S.C. 103 (*In re Reuter*, 651 F. 2d. 751, 210

U.S.P.Q. 249 (CCPA 1981)). In this case, the Applicant respectfully submits that the Examiner has failed to establish a *prima facie* case of obviousness.

As noted above, the independent Claims have been amended to include additional elements. It is respectfully submitted that a person of ordinary skill in the art would not combine Edwards *et al.* and Chang. Edwards *et al.* discloses a headrest with a waste container assembly fitted into the back of the headrest. A housing 14 is attached to a pillow section 16. The housing 14 is attached to mounting clips 18 and 20 and takes up the entire back space of the headrest. Chang discloses a headrest that has a L-shaped board 20 inserted into the back portion of the headrest for adjusting the space between the positioning rods.

To combine Chang and Edwards *et al.*, a person would have to insert the L-shaped board into the waste basket section of the headrest thereby preventing someone from using the waste basket for its intended purpose. A person of ordinary skill in the art would not relocate the L-shaped board into the front or pillow section because that would make the pillow portion obsolete for its' intended purpose of providing comfort.

Yamashita discloses a mounted headrest that allows for a change of angle relative to the seat back. Yamashita does not disclose a support surface as in the present invention. Yamashita discloses a boot structure 9 attached to a core structure 1 by adhesive. The boot structure is made of an elastomeric material that protects the tilting mechanism from dust (Col. 3, lines 48-49), and helps smoothly carry out the pivoting movement of the headrest (Col 3, lines 54-56). The boot structure 9 does not support a peripheral device. As such a person of ordinary skill in the art would not combine the boot structure and adhesive to Edwards *et al.* to create the present invention.

The Applicant submits that by this amendment he has placed the case in condition for immediate allowance and such action is respectfully requested. However, if any issue remains

unresolved, Applicant's attorney would welcome the opportunity for a telephone interview to expedite allowance and issue.

Respectfully submitted,



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